IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1297 OF 2006

1. Nitin Pasalkar alias
   Dada Parshuram Pasalkar,

2. Sandeep Baban Nalawade. ...Applicants

V/s.

State of Maharashtra. ...Respondent

Shri Uday Warunjikar for Applicants.
Ms.S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants were arrested in connection with an offence punishable under Sections 323, 326, 504, 506 read with Section 34 of the IPC.

2. It is alleged that the applicants alongwith others assaulted Manoj Todkar by giving fist blows and kick blows. It is alleged in the complaint that one Dadu Pasalkar and three unknown persons assaulted the

said Manoj Todkar.

3. Learned Counsel appearing on behalf of the applicants has submitted that the complainant's brother was under the influence of alkohol and the said injury could have been caused as a result of a fall.

4. The complainant in his statement has admitted that he and his brother had consumed liquor and thereafter his brother was assaulted by one Dadu Pasalkar and three other persons. Applicant no.1 was arrested on 1st March, 2006 and applicant no.2 was arrested on 5th March, 2006.

5. In my view, this is a fit case for grant of bail. The complainant and his brother were admittedly under the influenced of liquor. The injury which is caused to the brother of the complainant could also have been cased as a result of fall. No lethal weapons were used by the applicants.

6. The applicants be released on bail in the sum of

Rs.5000/- each with one or two sureties in the like amount. The applicants shall report to Velha Police Station, District Pune, as and when called, till the filing of the chargesheet and thereafter, once in a month.

7. The applicants shall not threaten any witnesses or try to tamper with the evidence. If any attempt is made and a complaint to that effect is received by the Investigating Officer, liberty is granted to the Public Prosecutor to apply for cancellation of bail.

. The application is disposed of in the above terms.

(V.M. Kanade, J.)